

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
REGULAR BOARD MEETING**

FINAL MINUTES

AUGUST 4-5, 2020

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED
MSF = MOTION: MADE, SECOND: FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 9:30 A.M. TUESDAY, AUGUST 4, 2020 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET ROOM 172 BOISE, IDAHO 83706 AND THROUGH ZOOM. BOARD MEMBERS BOB BAROWSKY (CHAIRMAN), ZACH MASON, GEORGE MCQUISTON, LOUISE STARK, AND WAYNE HUNSUCKER ALL PARTICIPATED BY ZOOM. ALSO PARTICIPATING BY ZOOM WERE BOARD ATTORNEYS ROGER HALES AND JOAN CALLAHAN, AND PROSECUTING ATTORNEY MIKE KANE. PRESENT IN THE OFFICE WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, AND EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY.

ROLL CALL: A roll call was taken.

MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – STARK, HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) AMEND THE AGENDA ITEM SCHEDULED FOR 1:55 P.M. TO ADD THE TACKLE TOM PETITION AND THE THOMAS PETERS PETITION; ADDITIONALLY, AMEND THE 2:30 P.M. AGENDA ITEM TO ADD THE PROPOSAL OF RULES.

MEETING OVERVIEW – Chairman Bob Barowsky gave an overview of the Board meeting.

Michael Lederman – Guide License Hearing – A guide license hearing was conducted by the Board's Prosecuting Attorney Mike Kane. Michael Lederman, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Lederman's new guide license application due to the Enforcement Division's review and scoring of Mr. Lederman's felony and misdemeanor convictions disclosed on his application. Mr. Lederman is seeking a guide license to work for Weight Forward LLC. Mr. Lederman testified, and certain exhibits were introduced into evidence. **MSC (MOTION: MCQUISTON; SECOND: MASON; AYES – STARK, HUNSUCKER, MASON AND BAROWSKY; NAYES – NONE) TO GRANT MR. LEDERMAN A GUIDE LICENSE WITH NO RESTRICTIONS.**

With no other hearings to be conducted Prosecuting Attorney Mike Kane excused himself at 10:00.

FINANCIAL REPORT – OVERVIEW – Director Lori Thomason gave a budget review. Ms. Thomason discussed Executive Order 2020-10 and the move to the State of Idaho Chinden Campus and how that affected the fiscal year 2020 budget. She stated that the Board paid \$90,146 towards the permanent space buildout project and \$11,622 for the rent in the temporary space. Susan Buxton, Interim Administrator for the Idaho Division of Occupational and Professional Licenses (IDOPL), explained the cost and how the move to the new State Chinden Campus will work according to the Executive Order. She confirmed that the Board budget will remain separate from all the other boards

that came together according to the Executive Order. Ms. Buxton went on to state that under the Executive Order, there will be no change in employees and that all employees will fall under IDOPL. The Board reviewed the financial report for June 2020. Board member Louise Stark asked for additional time to review the financial report and consent agenda.

MSC (MOTION: MCQUISTON; SECOND: STARK; AYES – STARK, HUNSUCKER, MASON, MCQUISTON AND BAROWSKY; NAYES – NONE) DELAY ANY ACTION ON THE FINANCIAL REPORT AND CONSENT AGENDA UNTIL AFTER THE AGENDA ITEM AT 4:45 FOR BOARD OFFICER ELECTIONS.

IDFG UPDATE – Jon Rachael, Regional Supervisor with the Idaho Department of Fish and Game (IDFG), appeared before the Board and gave an update. **Fall Chinook Salmon Fishery** – The Commission set a Fall Chinook season. The daily bag limit is set for three adults with only one having the adipose fin. **Nonresident Deer and Elk Tag Sales** – The nonresident deer and elk tag sales originally sold out on June 16th. Approximately 1,400 unsold tags from the outfitter set aside pool reverted back to the Department July 15th for sale to nonresident hunters. Those tags went on sale on a first come first serve basis July 23rd and sold out very quickly. Because those tags sold out before August 1st, none of the tags went on sale as second tags for residents or nonresidents. **Nonresident Tags** – Nonresident tags were sold out by June 16th. There were approximately 450 tags from the outfitter allocation in capped zones that went back to the Department on August 1st and will be ready to go on sale August 13th. They will be available as first tags to nonresidents or second tags to residents and nonresidents. **Commission Authority to Regulate Nonresident Hunters** – The Commission, as of the last legislative session, has the authority to limit nonresident participation in uncapped elk zones for A and B tag hunts and deer hunts to no less than 10% of the average total number of hunters in the previous five years. This Commission authority does not affect those elk A and B tags that are already capped. Those hunts already have a separate group of tags set aside. **Deer and Elk Harvest** – The Department has been intensively monitoring deer and elk harvest during the big game season with a surveillance program intended to detect chronic waste and disease at the earliest possible opportunity that it shows up. Through intensified sampling the last couple of years, the Department has not documented a single case in Idaho. The level of concern continues to increase with the documentation and expansion of chronic waste and disease in multiple cases and locations in Montana and Wyoming within several miles of the border to Idaho. The Department has been rotating intensive sampling areas around the State in recent years but maintaining high intensity focus in those areas that detection is most likely. This year the area of focus is the Panhandle and most of Northern Idaho and the Department will continue to sample very intensively along the border of Wyoming and Montana. The Department will be asking hunters to help them and to bring animals in to be sampled to the regional offices or through the big game check stations. **Adoption of Rules** – The Commission adopted a rules package to include 1. a rule that limits the number of nonresident disabled American veteran tags that are sold each year at a significantly reduced price, 2. a one-year waiting period for prong horn controlled hunts, and 3. a rule to allow the Department to set, by proclamation and upland game season regulations, a delayed start for nonresident pheasant hunters.

EDUCATION AND ENFORCEMENT REPORT – Education and Enforcement Chief Randy Wadley reported the current number of complaints and case investigations so far this year. **Cases and Investigations** – 43 total investigations so far for 2020. **Boat Inspections** – On July 15-19, 2020 there were 88 physical boat inspections done in Eastern Idaho.

IOGLB Enforcement Case: Roger Kipling Fry for a conviction in Clearwater County. The violation is a misdemeanor for driving under the influence. **MSC (MOTION: STARK; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM ROGER FRY AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: Johannes Michael Hester for a conviction in Custer County. The violation is an IDFG misdemeanor of Hunt, Fish, or Trap or Possess Wrong Class or Type of License. **MSC (MOTION: HUSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JOHANNES HESTER AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: Hunter Jaxson Kear for a conviction in Custer County. The violation is an IDFG misdemeanor of Hunt, Fish, or Trap or Possess Wrong Class or Type of License. **MSC (MOTION: MASON; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$300 FINE FROM HUNTER KEAR AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: James Davis Hollingshead for convictions in Nez Perce county. The violation is a misdemeanor for driving under the influence. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JAMES HOLLINGSHEAD AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: Robert Nelson for a conviction in King County, Washington. The violation is a misdemeanor for reckless driving. **MSC (MOTION: HUNSUCKER; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$150 FINE FROM ROBERT NELSON AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: Johnathan Inman for a conviction in Clackamas County, Oregon. The violation is a misdemeanor for driving under the influence. **MSC (MOTION: MASON; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JOHNATHAN INMAN AND ONE YEAR GENERAL PROBATION.**

IOGLB Enforcement Case: Steven Slade Sobotka for a conviction in Twin Falls, County. The violation is a misdemeanor possession for controlled substance. **MSC (MOTION: HUNSUCKER; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM STEVEN SOBOTKA AND ONE YEAR GENERAL PROBATION.**

RESIGNATION – October 30th – Mr. Wadley informed the Board that he will submitting his resignation effective no later than October 30th. The Board members gave their appreciation for all that Mr. Wadley has done for the Board and wished him well in retirement.

IDOPL – Dawn Hall, Administrator for IDOPL, informed the Board that IOGLB will be moving to a temporary space at the Idaho Chinden Campus in building six sometime between September and October 2020, and into a permanent space in building four sometime in Spring 2021. Ms. Hall let the Board know that she is available for any additional questions as needed and for the Board to reach out to her as questions come up.

DIRECTOR'S REPORT – End of Year – Director Lori Thomason gave a breakdown of the fiscal year 2020 budget and revenue. She stated that the ending free fund balance as of July 1, 2020 is \$438,114.40.

Prospectus – Ms. Thomason let the Board know that the news release was published for the snowmobiling prospectus on the Payette National Forest and that it will run until the end of August. The

prospectus deadline is August 31, 2020 and will come before the Board at the December 2020 regular Board meeting. **LSO Audit** – There was a legislative services audit for 2017-2019. There were no issues or findings from that audit. **Agency Performance Report** – Ms. Thomason reviewed the agency's performance report and stated that she directed staff to be mindful of applications that are being processed and the time frame it has been taking to process them. **IT** – Ms. Thomason reported that four new computers will need to be purchased out of the Board's regular operating fund.

Meeting recessed for lunch at 12:00 p.m. Meeting reconvened at 1:30 p.m. with all listed above present.

OFFICE SUPERVISOR'S REPORT – Renewals – Office Supervisor Amanda Harper reported that nine outfitters did not complete their 2020 outfitter renewal by the July 1, 2020 deadline; therefore, their licenses are considered lapsed and expired, and a renewal application will not be accepted. She continued that one area that was lapsed and expired is on the PR1, which had a waiting list. Ms. Harper stated that Director Thomason had reached out to the individual on the waiting list to inform them that it was available and how to apply. **Application Review** – Ms. Harper explained that Rubicon Outfitters LLC has applied for a major amendment to add chuckar to their current license on the SA8. She continued that the BLM had signed the OG-6 form approving this as a major amendment. Andrew Mackey, IDFG Manager for the Craig Mountain WMA, joined the meeting. Mr. Mackey expressed concern that the applicant is asking for a cast and blast making it a major activity and historically it has only been approved as an incidental activity. **MSC (MOTION: HUNSUCKER; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) APPROVE THE MAJOR AMENDMENT TO ADD CHUCKAR HUNTING AS A CAST AND BLAST WITH THE CONDITION THAT RUBICON OUTFITTERS LLC MEETS THE CRITERIA AS REQUESTED BY IDFG AND THE BLM.**

ALLOCATION UPDATE – Voucher Use - Office Supervisor Amanda Harper presented an allocated voucher use comparison by zone for 2019 and 2020. **Email Address** – Ms. Harper let the Board know that an email address has been set up for all allocation requests, questions, etc. That email address is OGLB.Allocation@oglb.idaho.gov.

PETITION FOR RULEMAKING – Board Attorney Joan Callahan informed the Board that the office has received three petitions for rulemaking to add additional opportunities or activities within Rule 59. Two requests involve river sections and one request is for Lake Cascade. She stated that this coming year there is a rulemaking moratorium so the Board could not act on these petitions this year; however, the rulemaking procedures act requires the Board to discuss them at the next scheduled Board meeting. The direction from DFM has been for the petitions to be taken up during the year that the Board will repeal and replace its rules, when that is assigned. The Board agreed that until that date is scheduled, the Board needs to start working towards reviewing the petitions and holding open meetings. Board Chairman Barowsky directed the Director to work with Board Counsel to put the leg work in and prepare the public's petitions to be addressed once the rulemaking moratorium is lifted. The Board asked that at the December Board meeting, they would like be able to look at a comprehensive plan with targeted dates to hold some town halls in advance of repeal and replace, so that IOGLB is ready to go on the year that it is assigned.

BOARD ATTORNEY UPDATE – Proposed Rule – Attorney Callahan informed the Board that by direction from the Division of Financial Management (DFM) the Board will move forward this year with proposing its chapter of rules for legislative review in 2021. She discussed the process that will need to take place to ensure the rules are ready for publication as a proposed rule. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) SUBMIT CHAPTER RULES BASED ON THE TEMPORARY**

RULE AS WAS AMENDED IN JUNE 2020 FOR PUBLICATION AS A PROPOSED RULE FOR REVIEW BY THE 2021 LEGISLATIVE SESSION.

EXECUTIVE ORDER NO 2020-02 – Board Attorney Callahan informed the Board that in compliance with Executive Order 2020-02 all the Board's guidance documents have been moved to a folder labeled Guidance Documents and Orders on the IOGLB's public facing website. Guidance documents include board procedures, manuals, and power point presentations. A report was submitted on July 1st to the Governor's office that identifies what each guidance document is, and the purpose for each. **Policy 2002 Investigative Scoring**– Ms. Callahan explained that Policy 2002 is used frequently and is available to the public, so that any applicant can look to see how their prior criminal conviction, or a fish and game violation might affect how their application is treated. She stated that there was a note for the Board to evaluate the contents and make sure it aligns with Senate Bill 1351 as amended from the 2020 Legislative regular session. That Statute made some changes to the occupational licensing reform act section of Idaho Code. Ms. Callahan stated that there is also a section in Senate Bill 1351 titled Inquiry Regarding the Potential Impact of a Criminal Conviction. She said this piece of legislation codified that allows a potential applicant to request a review from the Board about the potential impact of a criminal conviction, and that a statutory authority to charge a fee of up to \$25. **(MOTION: STARK; SECOND: MASON; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) SET THE FEE FOR THE PRE-APPLICATION INQUIRY FOR CRIMINAL CONVICTION AT \$25.**

Cont. User Manuals and Instructions – Ms. Callahan informed the Board that staff has been working on a checklist that can go as a cover page for all applications. Once complete, this will replace the need for an OG-21 applicant's letter of intent form. The idea behind the checklist letter is to put the responsibility on the applicant to do their due diligence in choosing what areas they are applying for and filling out a complete application. This should reduce staff time associated with the OG-21 form before an application fee is submitted. **Policies** – Ms. Callahan went over the policies that are on the Board's public facing website and answered any questions by the Board. She stated that she will continue working with staff to clean up more of the Board's policies. **Enforcement Policy** – Ms. Callahan also told the Board that she will get together with the Board's prosecuting attorney Mike Kane to discuss the enforcement of special processing fee that is assessed to applicants if they fail to disclose an enforcement violation on an application. She would like to make sure there is a consistent policy/rule and statutory scheme for exactly how this is addressed with different types of applicants in each scenario. She said that once she has had a chance to discuss this with Mr. Kane, she would bring it back to the Board for further discussion.

BOARD ELECTIONS – Chairman Barowsky stated that he, George McQuiston, and Wayne Hunsucker have expired Board appointments. He has reached out to his contact and is awaiting a response on how to proceed. **(MOTION: STARK; SECOND: MCQUISTON; AYES: STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES: - MASON) APPOINT ZACH MASON AS BOARD TREASURER.**

Cont. (MOTION: MCQUISTON; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) APPOINT BOB BAROWSKY AS BOARD CHAIRMAN.

Cont. (MOTION: MCQUISTON; SECOND: STARK; AYES: STARK, MCQUISTON, HUNSUCKER, MASON AND BAROWSKY; NAYES: - NONE) APPOINT WAYNE HUNSUCKER AS BOARD VICE CHAIRMAN.

FINANCIAL REPORT – OVERVIEW – The Board reviewed the financial report for June 2020. **MSC (MOTION: STARK; SECOND: MASON; AYES – STARK, HUNSUCKER, MASON, MCQUISTON AND BAROWSKY; NAYES – NONE) APPROVE THE FINANCIAL REPORT AS PRESENTED.**

CONSENT AGENDA – The Board reviewed the Consent Agenda. **MSC (MOTION: MCQUISTON; SECOND: MASON; AYES – HUNSUCKER, STARK, MASON, MCQUISTON AND BAROWSKY; NAYES – NONE) APPROVE THE CONSENT AGENDA AS PRESENTED.**

Chairman Barowsky recessed the meeting at 4:10 p.m. until 9:30 a.m. August 5, 2020.

Meeting reconvened at 9:30 a.m. on August 5, 2020 at 1365 N. Orchard St. Suite 172 Boise, ID 83706 and through Zoom. Present were Board Members Bob Barowsky (Chairman), Wayne Hunsucker (Vice Chairman), and Louise Stark. Also participating were Executive Director Lori Thomason, Office Supervisor Amanda Harper, and Board Attorney Joan Callahan.

NEGOTIATED RULEMAKING HEARING – The Board held a negotiated rulemaking hearing regarding the designation of allocated deer and elk tags. Ms. Callahan explained the rulemaking process and the Board's rulemaking docket. The Board took written comment and heard testimony from those in attendance on any topic related to the Board's rules. The list of commenters and written comments were placed in the rulemaking record.

MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES – HUNSUCKER, STARK, AND BAROWSKY; NAYES – NONE) ADJOURN THE MEETING AT 11:00 A.M. WITH ALL BUSINESS ADDRESSED

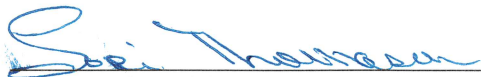


15th December, 2020

WAYNE HUNSUCKER, BOARD VICE CHAIRMAN

Date

ATTEST:



LORI THOMASON, EXECUTIVE DIRECTOR

12-15-2020

Date